



Entered on Docket
March 21, 2007

Hon. Linda B. Riegle
United States Bankruptcy Judge

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USA Capital First Trust Deed Fund, LLC*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:) BK-S-06-10725-LBR
USA COMMERCIAL MORTGAGE COMPANY) Chapter 11
Debtor)

In re:) BK-S-06-10726-LBR
USA CAPITAL REALTY ADVISORS, LLC,) Chapter 11
Debtor)

In re:) BK-S-06-10727-LBR
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,) Chapter 11
Debtor)

In re:) BK-S-06-10728-LBR
USA CAPITAL FIRST TRUST DEED FUND, LLC,) Chapter 11
Debtor.)

In re:) BK-S-06-10729-LBR
USA SECURITIES, LLC,) Chapter 11
Debtor.)

Affects)
☐ All Debtors)
☒ USA Commercial Mortgage Co.)
☐ USA Securities, LLC)
☐ USA Capital Realty Advisors, LLC)
☐ USA Capital Diversified Trust Deed)
☒ USA Capital First Trust Deed Fund, LLC)

DATE: March 15, 2007
TIME: 9:30 a.m.

**ORDER RE SIXTH OMNIBUS OBJECTION OF THE OFFICIAL COMMITTEE OF
EQUITY SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED FUND, LLC
– CLAIMS BASED ON PREPETITION EQUITY SECURITY INTERESTS OF USA
CAPITAL FIRST TRUST DEED FUND, LLC (AFFECTS DEBTOR USA CAPITAL
FIRST TRUST DEED FUND, LLC)**

The Court having considered the Sixth Omnibus Objection of the Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC – Claims Based on Prepetition Equity Security Interests of USA Capital First Trust Deed Fund, LLC (the “Objection”)(Docket No. 2748); Shlomo S. Sherman, Esq. of the law firm of Shea & Carlyon, Ltd. appearing on behalf of the Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC (the “FTDF Committee”) (with any other appearances having been noted in open court); the Court having considered the Objection; adequate notice of the Objection having been given; there having been no response filed to the Objection; and good cause appearing:

IT IS HEREBY ORDERED that the Objection is sustained.

IT IS FURTHER ORDERED that the following Claims shall be reclassified as proofs of interest which shall be deemed to have been timely filed (“Reclassified Claims”): Claim nos. 30, 31, 32, 33, 35, 36, 37, 38, 40, 41, 42, 47, 53, 55, 68, 69, 70, 71, 72, 75, 77, 82, 89, 90, 91, 111, 114, 138, and 148.

IT IS FURTHER ORDERED that the following Claims shall be disallowed in full: Claim nos. 39, 127, 128, 129, 134, and 135.

IT IS FURTHER ORDERED that the following Reclassified Claims shall be disallowed to the extent that the amounts asserted therein exceed that claimants equity interest in USA Capital First Trust Deed Fund, LLC as of the petition date: Reclassified Claim nos. 41, 42, 75, 77, 89, 90, 91, 111, 114, 138, and 148.

1 SUBMITTED BY:

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RULE 9021 DECLARATION

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ I have delivered a copy of proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and each has:
- ☐ approved the form of this order;
- ☐ waived signature in open court; and/or
- ☐ failed to file and serve papers in accordance with LR 9021(c).
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with LR 9021(c) and the following have disapproved the order:
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.

DATED this 15TH day of March, 2007.

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